

# **State of Alaska FY2003 Governor's Operating Budget**

## **Department of Administration Public Defender Agency Component Budget Summary**

## **Component: Public Defender Agency**

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## **Component Mission**

To provide constitutionally mandated legal representation to indigent Alaskans.

## **Component Services Provided**

Maintain 13 offices from Ketchikan to Barrow which provide legal representation when court ordered, of

- Individuals accused of crimes
- Children accused of delinquent behavior
- Parents, when the state seeks custody of a child
- Mentally ill individuals, when the state seeks involuntary commitments
- Individuals accused of contempt or violating probation/parole orders

## **Component Goals and Strategies**

### **IMPROVE THE TIMELY PROCESSING OF CHILD PROTECTION CASES**

- Effectuate appropriate parental responses to Division of Family and Youth Services' "Zero Tolerance" policies
- Cope with increased incoming cases, increased workload, mandatory deadlines and reduced resources
- Expedite family reunification and permanency planning for children

### **BASIC SERVICE TO RURAL CLIENTS**

- Provide in-person representation at remote court sites
- Return investigative and volunteer resources to rural offices
- Balance increased judicial and law enforcement resources in Bethel region

### **ENHANCE STAFF AND ADMINISTRATIVE EFFICIENCIES THROUGH TECHNOLOGY**

- Increase available technology including research, brief and motion banks statewide
- Implement case management system statewide for access to accurate data
- Assess, plan and acquire necessary technology to successfully interface with the Court System and the Departments of Corrections, Public Safety, and Law information systems

### **THERAPEUTIC COURT COLLABORATIONS**

- Represent clients in existing mental health, drug and wellness courts
- Participate in planning future Anchorage Therapeutic Court for DWI offenders and Bethel Therapeutic Court pilot projects
- Implement client participation in newly created therapeutic courts

## **Key Component Issues for FY2002 – 2003**

### **INCREASING CASELOAD DUE TO INCREASED FUNDING FOR LAW ENFORCEMENT AND CHILD PROTECTION -**

The Public Defender was appointed to over 19,400 new cases in FY2001. This continues a previously identified trend that has resulted in an overall caseload increase of 47% over the last ten years, with a less than 6% (factoring inflation) increase in resources during that same time period. This problem is particularly aggravated by actual reductions of funding while other participant funding increases. Balance in the funding decisions concerning the criminal and child protection agencies must be maintained. Consistent and effective communication among the participants and the funding decision makers will allow timely, cost-effective and quality resolution of cases. Failure to keep pace by the Public Defender component for the last several years has resulted in delay, inconvenience, turnover of staff and reversal of cases.

**TECHNOLOGY -** The Public Defender Agency must continue to increase use of new technology to enable the agency to

keep pace with the rest of the criminal justice system. The challenge is to do this within the existing budget despite the ongoing caseload increases. A major goal for FY2003 is to assess our systems, and plan and acquire the necessary technology to successfully interface with the newly acquired information systems of the Court, Department of Public Safety, Law and Corrections to improve the court processing of cases. The FY2002 goal is to complete a web-enabled statewide integration plan for accessing case management, the ISYS briefbank and other in-house legal research by all 13 offices.

IMPROVE THE QUALITY OF JUSTICE IN ALASKA - The Public Defender Agency continues to play a leadership role in the development of Alaska's child protection policy. Consistent and effective partnerships among affected agencies, decision makers and federal funding sources will continue to improve not only child protection, but also juvenile delinquency, mental health, criminal law and public safety in Alaska.

### **Major Component Accomplishments in 2001**

- Provided cost-effective representation in over 19,400 new cases despite reduced resources and increased workload.

### **Statutory and Regulatory Authority**

U.S. Constitution, Amendment VI	The Federal Right to Counsel
Alaska Constitution, Article 1, Sec.11	The State Right to Counsel
AS 18.85.010 et seq.	The Public Defender Agency Enabling Statute
Alaska Criminal Rule 39 and 39.1	Financial Eligibility Guidelines for Appointed Counsel

## Public Defender Agency

### Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	8,960.9	9,107.4	10,946.0
72000 Travel	221.3	282.7	488.9
73000 Contractual	1,161.2	1,059.9	1,289.6
74000 Supplies	87.6	80.5	96.0
75000 Equipment	125.4	63.8	105.7
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>10,556.4</b>	<b>10,594.3</b>	<b>12,926.2</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	9,179.6	9,770.0	12,384.6
1005 General Fund/Program Receipts	430.9	196.2	200.7
1007 Inter-Agency Receipts	649.9	497.8	207.7
1037 General Fund / Mental Health	130.0	130.3	133.2
1053 Investment Loss Trust Fund	67.7	0.0	0.0
1108 Statutory Designated Program Receipts	98.3	0.0	0.0
<b>Funding Totals</b>	<b>10,556.4</b>	<b>10,594.3</b>	<b>12,926.2</b>

### Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<b>Unrestricted Revenues</b>						
Unrestricted Fund	68515	1.5	0.0	1.5	0.0	1.5
<b>Unrestricted Total</b>		<b>1.5</b>	<b>0.0</b>	<b>1.5</b>	<b>0.0</b>	<b>1.5</b>
<b>Restricted Revenues</b>						
Interagency Receipts	51015	649.9	497.8	353.0	207.7	211.9
General Fund Program Receipts	51060	430.9	196.2	196.2	200.7	200.7
Statutory Designated Program Receipts	51063	98.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	67.7	0.0	0.0	0.0	0.0
<b>Restricted Total</b>		<b>1,246.8</b>	<b>694.0</b>	<b>549.2</b>	<b>408.4</b>	<b>412.6</b>
<b>Total Estimated Revenues</b>		<b>1,248.3</b>	<b>694.0</b>	<b>550.7</b>	<b>408.4</b>	<b>414.1</b>

## Public Defender Agency

## Proposed Changes in Levels of Service for FY2003

All of the changes are required to maintain basic legal representation and reduce excessive turnover given uncontrollable caseload and workload increases:

**FELONY DWI RESOURCES** - The Anchorage Mayor's DUI Prevention Task Force concluded that lack of Public Defender funding was a major problem in processing DWI offenders.

**MENTAL HEALTH COURT RESOURCES** - MHTA new funding of Court and Department of Corrections participants has exceeded the Public Defender Agency's ability to respond.

**BETHEL REGION RESOURCES** - The Alaska Court System adding a full-time district court judge, Public Safety adding Troopers and VPSO's, and DHSS adding social workers, has increased caseload, particularly family court and serious felony cases by almost 40% since FY1995.

**PALMER OFFICE RESOURCES** - As the fastest population growth area in the State, Palmer's felonies have increased 139% since FY1995. Child protection cases have increased by over 1000% since FY1997.

**RESTORE PREVIOUSLY CUT SERVICES**

- Rural in-person representation
- Kodiak investigator
- Volunteer program
- Computerized legal research

## Summary of Component Budget Changes

## From FY2002 Authorized to FY2003 Governor

*All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2002 Authorized</b>	<b>10,096.5</b>	<b>0.0</b>	<b>497.8</b>	<b>10,594.3</b>
<b>Adjustments which will continue current level of service:</b>				
-Year 3 Labor Costs - Net Change from FY2002	214.5	0.0	7.9	222.4
-Replace Funding Eliminated for Smart Start and Balloon Projects	298.0	0.0	-298.0	0.0
<b>Proposed budget increases:</b>				
-Full Funding of Alcohol Initiative Fiscal Notes	852.0	0.0	0.0	852.0
-Fund Ongoing Operational Costs	1,257.5	0.0	0.0	1,257.5
<b>FY2003 Governor</b>	<b>12,718.5</b>	<b>0.0</b>	<b>207.7</b>	<b>12,926.2</b>

## Public Defender Agency

## Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	125	144	Annual Salaries	8,420,760
Part-time	6	3	COLA	268,490
Nonpermanent	13	13	Premium Pay	0
			Annual Benefits	2,794,836
			<i>Less 4.69% Vacancy Factor</i>	(538,086)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>144</b>	<b>160</b>	<b>Total Personal Services</b>	<b>10,946,000</b>

## Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk II	1	0	0	0	1
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	0	0	0	2	2
Administrative Clerk II	2	1	0	0	3
Administrative Clerk III	1	0	0	0	1
Administrative Manager II	1	0	0	0	1
Analyst/Programmer II	0	0	0	1	1
Assoc Attorney I	4	0	1	2	7
Assoc Attorney II	1	0	0	0	1
Attorney II	7	3	1	16	27
Attorney III	9	1	1	10	21
Attorney IV	15	5	2	9	31
Attorney V	3	1	0	0	4
Investigator II	0	1	0	3	4
Investigator III	0	1	0	2	3
Law Office Assistant I	6	3	3	17	29
Law Office Assistant II	3	1	0	6	10
Law Office Manager II	1	0	0	0	1
Paralegal Asst I	5	1	1	3	10
Paralegal Asst II	1	0	0	0	1
Public Defender	1	0	0	0	1
<b>Totals</b>	<b>62</b>	<b>18</b>	<b>9</b>	<b>71</b>	<b>160</b>